

# Senate Study Bill 3063 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON DANIELSON)

## A BILL FOR

1 An Act relating to licensure of anesthesiologist assistants,  
2 providing for fees, and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2016,  
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician  
4 and surgeon, podiatric physician, osteopathic physician and  
5 surgeon, anesthesiologist assistant, physician assistant,  
6 psychologist, chiropractor, nurse, dentist, dental hygienist,  
7 dental assistant, optometrist, speech pathologist, audiologist,  
8 pharmacist, physical therapist, physical therapist assistant,  
9 occupational therapist, occupational therapy assistant,  
10 orthotist, prosthetist, pedorthist, respiratory care  
11 practitioner, practitioner of cosmetology arts and sciences,  
12 practitioner of barbering, funeral director, dietitian, marital  
13 and family therapist, mental health counselor, respiratory  
14 care and polysomnography practitioner, polysomnographic  
15 technologist, social worker, massage therapist, athletic  
16 trainer, acupuncturist, nursing home administrator, hearing  
17 aid specialist, or sign language interpreter or transliterator  
18 means a person licensed under [this subtitle](#).

19 6. "*Profession*" means medicine and surgery, podiatry,  
20 osteopathic medicine and surgery, anesthesiologist assisting,  
21 practice as a physician assistant, psychology, chiropractic,  
22 nursing, dentistry, dental hygiene, dental assisting,  
23 optometry, speech pathology, audiology, pharmacy, physical  
24 therapy, physical therapist assisting, occupational therapy,  
25 occupational therapy assisting, respiratory care, cosmetology  
26 arts and sciences, barbering, mortuary science, marital and  
27 family therapy, mental health counseling, polysomnography,  
28 social work, dietetics, massage therapy, athletic training,  
29 acupuncture, nursing home administration, practice as a hearing  
30 aid specialist, sign language interpreting or transliterating,  
31 orthotics, prosthetics, or pedorthics.

32 Sec. 2. Section 147.2, subsection 1, Code 2016, is amended  
33 to read as follows:

34 1. A person shall not engage in the practice of medicine  
35 and surgery, podiatry, osteopathic medicine and surgery,

1 anesthesiologist assisting, psychology, chiropractic, physical  
2 therapy, physical therapist assisting, nursing, dentistry,  
3 dental hygiene, dental assisting, optometry, speech pathology,  
4 audiology, occupational therapy, occupational therapy  
5 assisting, orthotics, prosthetics, pedorthics, respiratory  
6 care, pharmacy, cosmetology arts and sciences, barbering,  
7 social work, dietetics, marital and family therapy or mental  
8 health counseling, massage therapy, mortuary science, athletic  
9 training, acupuncture, nursing home administration, or sign  
10 language interpreting or transliterating, or shall not practice  
11 as a physician assistant or a hearing aid specialist, unless  
12 the person has obtained a license for that purpose from the  
13 board for the profession.

14 Sec. 3. Section 147.13, subsection 1, Code 2016, is amended  
15 to read as follows:

16 1. For medicine and surgery, osteopathic medicine and  
17 surgery, anesthesiologist assisting, and acupuncture, the board  
18 of medicine.

19 Sec. 4. Section 147.74, Code 2016, is amended by adding the  
20 following new subsection:

21 NEW SUBSECTION. 23A. An anesthesiologist assistant  
22 licensed under chapter 148H may use the words "anesthesiologist  
23 assistant" after the person's name.

24 Sec. 5. NEW SECTION. 148H.1 Definitions.

25 1. "*Anesthesiologist*" means a physician who has completed  
26 a residency in anesthesiology approved by the American  
27 board of anesthesiology or the American osteopathic board of  
28 anesthesiology.

29 2. "*Anesthesiologist assistant*" means a person who meets all  
30 of the following conditions:

31 a. Has graduated from an anesthesiologist assistant program  
32 accredited by the American medical association's committee on  
33 allied health education and accreditation or by its successor  
34 agency.

35 b. Has passed the certifying examination administered by

1 the national commission for certification of anesthesiologist  
2 assistants.

3     *c.* Has active certification by the national commission for  
4 certification of anesthesiologist assistants.

5     *d.* Provides health care services delegated by a licensed  
6 anesthesiologist.

7     3. "*Applicant*" means an individual who seeks to become  
8 licensed as an anesthesiologist assistant.

9     4. "*Board*" means the board of medicine created in section  
10 147.13.

11     5. "*Continuing education*" means the offering of instruction  
12 or information to license holders for the purpose of  
13 maintaining or increasing skills necessary for the safe and  
14 competent practice of anesthetic care.

15     6. "*Immediately available*" means in the same physical  
16 location or facility in which the services are provided.

17     7. "*Physician*" means an individual licensed pursuant to  
18 chapter 148 to practice medicine and surgery or osteopathic  
19 medicine and surgery.

20     Sec. 6. NEW SECTION. **148H.2 License required to practice.**

21     1. Except as provided in subsection 2, a person shall not  
22 practice as an anesthesiologist assistant unless the person  
23 holds a current, valid license issued pursuant to this chapter  
24 to practice as an anesthesiologist assistant.

25     2. Subsection 1 shall not apply to any of the following:

26     *a.* A person participating in a training program leading  
27 toward certification by the national commission for  
28 certification of anesthesiologist assistants, as long as the  
29 person is supervised by an anesthesiologist.

30     *b.* An individual participating in a hospital residency  
31 program in preparation to practice as an anesthesiologist.

32     *c.* Any person who is otherwise authorized by section 148H.13  
33 to perform any of the activities that an anesthesiologist  
34 assistant is authorized to perform.

35     Sec. 7. NEW SECTION. **148H.3 License application**

1 **requirements.**

2 1. A person shall apply to the board for a license under  
3 this chapter upon such forms and in such manner as may be  
4 prescribed by the board by rule and shall pay the application  
5 fee set by the board by rule. The application fee shall cover  
6 the costs of issuing the license and shall not be refundable.

7 2. The application shall contain a statement that it is  
8 made under oath or affirmation and that its representations  
9 are true and correct to the best knowledge and belief of  
10 the person signing the application. The application shall  
11 include proof of certification after passing the certifying  
12 examination administered by the national commission for  
13 certification of anesthesiologist assistants or its successor,  
14 the date of the certification, any identification numbers, and  
15 any other information necessary for the board to verify the  
16 certification.

17 3. The board, upon approval of the application, shall issue  
18 a license to the applicant.

19 **Sec. 8. NEW SECTION. 148H.4 Temporary license.**

20 Notwithstanding any provision of this chapter to the  
21 contrary, the board may issue a temporary license to practice  
22 as an anesthesiologist assistant to an applicant who has  
23 taken the certifying examination described in section 148H.1,  
24 subsection 2, and is awaiting the results. A temporary license  
25 may be issued upon the payment of a temporary license fee, the  
26 submission of all required documents, and the applicant meeting  
27 the necessary qualifications as defined by the board by rule.  
28 The temporary license shall be valid until the results of the  
29 certifying examination are available. The temporary license  
30 may be renewed at the discretion of the board and upon payment  
31 of the temporary license fee.

32 **Sec. 9. NEW SECTION. 148H.5 Licensure in another state —**  
33 **reciprocity.**

34 1. Upon application and payment of a fee set by the board by  
35 rule, the board shall issue a license to an anesthesiologist

1 assistant who is licensed in another jurisdiction and who  
2 has had no violations, suspensions, or revocations of a  
3 license to practice as an anesthesiologist assistant in any  
4 jurisdiction, provided that such person is licensed in a  
5 jurisdiction with licensure requirements that are substantially  
6 equal to, or greater than, the requirements for licensure of  
7 anesthesiologist assistants pursuant to this chapter.

8     2. The board may negotiate reciprocal compacts with  
9 licensing boards of other states for the admission of licensed  
10 anesthesiologist assistants from this state to practice in  
11 other states.

12     Sec. 10. NEW SECTION. 148H.6 License renewal — void  
13 licenses — duplicate licenses.

14     1. A license is valid for two years from the date it is  
15 issued and may be renewed biennially by filing an application  
16 for renewal with the board upon such forms and in such manner  
17 as may be prescribed by the board by rule and paying the  
18 required renewal fee as set by the board by rule.

19     2. The application shall include but not be limited to all  
20 of the following:

21     a. The date and number of the applicant's license.

22     b. A description of any disciplinary action taken against  
23 the applicant by any professional association or society,  
24 licensed hospital or medical staff, state, or country.

25     c. Information concerning the applicant's current physical  
26 and mental fitness to practice as an anesthesiologist  
27 assistant.

28     3. The board shall mail a blank form for application for  
29 renewal of a license to each person licensed in this state at  
30 the person's last known office or residence address.

31     4. If an application for renewal is filed and the fee paid  
32 after the licensure renewal date, a delinquent fee shall be  
33 paid. The delinquent fee may be waived by the board based on  
34 extenuating circumstances as defined by the board by rule.

35     5. If a person licensed by the board does not renew such

1 license for two consecutive renewal periods, such license shall  
2 be deemed void.

3 6. A duplicate license to replace any license lost,  
4 destroyed, or mutilated may be issued to an applicant, subject  
5 to rules adopted by the board, upon the payment of a reasonable  
6 fee.

7 Sec. 11. NEW SECTION. 148H.7 Anesthesiologist assistant  
8 functions — supervision — prohibited activities.

9 1. An anesthesiologist assistant may assist the supervising  
10 anesthesiologist in developing and implementing an anesthesia  
11 care plan for a patient. In providing assistance to the  
12 supervising anesthesiologist, an anesthesiologist assistant may  
13 do any of the following:

14 a. Obtain a comprehensive patient history, perform relevant  
15 elements of a physical exam, and present the history to the  
16 supervising anesthesiologist.

17 b. Pretest and calibrate anesthesia delivery systems and  
18 obtain and interpret information from the systems and monitors,  
19 in consultation with an anesthesiologist.

20 c. Assist the supervising anesthesiologist with the  
21 implementation of medically accepted monitoring techniques.

22 d. Establish basic and advanced airway interventions,  
23 including intubation of the trachea and performing ventilatory  
24 support.

25 e. Administer intermittent vasoactive drugs and start and  
26 adjust vasoactive infusions.

27 f. Administer anesthetic drugs, adjuvant drugs, and  
28 accessory drugs.

29 g. Assist the supervising anesthesiologist with the  
30 performance of epidural anesthetic procedures, spinal  
31 anesthetic procedures, and other regional anesthetic  
32 techniques.

33 h. Administer blood, blood products, and supportive fluids.

34 i. Provide assistance to a cardiopulmonary resuscitation  
35 team in response to a life-threatening situation.

1     *j.* Participate in administrative, research, and clinical  
2 teaching activities as authorized by the supervising  
3 anesthesiologist.

4     *k.* Perform such other tasks not prohibited by law under  
5 the supervision of a licensed anesthesiologist that the  
6 anesthesiologist assistant has been trained and is proficient  
7 to perform.

8     2. An anesthesiologist shall at all times accept and be  
9 responsible for the oversight of the health care services  
10 rendered by an anesthesiologist assistant as provided in  
11 section 148H.8.

12     3. An anesthesiologist assistant shall not perform any of  
13 the following functions:

14     *a.* Prescribe any medications or controlled substances.

15     *b.* Administer any drugs, medicines, devices, or therapies  
16 the supervising anesthesiologist is not qualified or authorized  
17 to prescribe.

18     *c.* Practice or attempt to practice without the supervision  
19 of a licensed anesthesiologist or in any location where the  
20 supervising anesthesiologist is not immediately available for  
21 consultation, assistance, and intervention.

22     4. A student in an anesthesiologist assistant training  
23 program shall be identified as a student anesthesiologist  
24 assistant or an anesthesiologist assistant student. Under no  
25 circumstances shall such a student use or permit to be used  
26 on the student's behalf, the terms "intern", "resident", or  
27 "fellow" or be identified in any way as a physician or surgeon.

28     5. The anesthesiologist members of the faculty of an  
29 anesthesiologist assistant program established in this state  
30 shall be comprised of anesthesiologists certified by the  
31 American board of anesthesiology. A faculty member of an  
32 anesthesiologist assistant program shall not concurrently  
33 supervise more than two anesthesiologist assistant students  
34 who are delivering anesthesia. A certified registered nurse  
35 anesthetist shall be excluded from the clinical education of



1 anesthesiologist assistants.

2     Sec. 12. NEW SECTION. 148H.8 **Supervision required —**  
3 **written practice protocol — audit or inspection by board.**

4     1. *a.* An anesthesiologist assistant shall practice only  
5 under the direct supervision of an anesthesiologist who is  
6 physically present or immediately available.

7     *b.* An anesthesiologist may supervise up to four  
8 anesthesiologist assistants concurrently, consistent with  
9 the provisions of 42 C.F.R. §415.110 relating to anesthesia  
10 services reimbursable under Medicare.

11     2. An anesthesiologist who agrees to act as the supervising  
12 anesthesiologist for an anesthesiologist assistant shall  
13 adopt a written practice protocol that is consistent with  
14 this chapter and that delineates the services that the  
15 anesthesiologist assistant is authorized to provide and  
16 the manner in which the anesthesiologist will supervise the  
17 anesthesiologist assistant. The provisions of the protocol  
18 shall be based on relevant quality assurance standards,  
19 including regular review by the supervising anesthesiologist  
20 of the medical records of the patients cared for by the  
21 anesthesiologist assistant.

22     3. The supervising anesthesiologist shall oversee the  
23 anesthesiologist assistant in accordance with the terms  
24 of the protocol and any rules adopted by the board for the  
25 supervision of an anesthesiologist assistant. The board may  
26 audit or inspect any written practice protocol under which an  
27 anesthesiologist assistant works.

28     Sec. 13. NEW SECTION. 148H.9 **Inactive license.**

29     1. A person licensed pursuant to this chapter may apply  
30 to the board for inactive license status on a form furnished  
31 by the board. Upon receipt of the completed inactive status  
32 application and a determination by the board that the licensee  
33 meets the requirements defined by the board by rule, the  
34 board shall declare the licensee inactive and shall place  
35 the licensee on an inactive status list. A person that has

1 an inactive license or has discontinued the practice of an  
2 anesthesiologist assistant because of retirement shall not  
3 practice as an anesthesiologist assistant within this state.

4 2. During the period of inactive status, the licensee shall  
5 not be required to comply with the board's minimum requirements  
6 for continuing education pursuant to section 148H.11.

7 3. A licensee that allows the person's license to become  
8 inactive for a period of five years or less may return the  
9 license to active status by notifying the board in advance of  
10 such intention, paying the appropriate fees, and meeting all  
11 established licensure requirements of the board as a condition  
12 of reinstatement.

13 Sec. 14. NEW SECTION. 148H.10 Retirement — resumption of  
14 practice.

15 A person licensed to practice as an anesthesiologist  
16 assistant in this state who retires from such practice shall  
17 file with the board an affidavit, on a form to be furnished by  
18 the board, which states the date of retirement and such other  
19 facts to verify the retirement as defined by the board by rule.

20 Sec. 15. NEW SECTION. 148H.11 Continuing education  
21 requirements.

22 The board shall not renew a license under this chapter  
23 unless the licensee provides satisfactory evidence that the  
24 board's minimum requirements for continuing education have  
25 been met. The board shall adopt minimum requirements for  
26 continuing education by rule, which shall include but are not  
27 limited to the successful completion of the examination for  
28 continued demonstration of qualifications once every six years,  
29 as authorized by the national commission for certification of  
30 anesthesiologist assistants or its successor.

31 Sec. 16. NEW SECTION. 148H.12 License denial, suspension,  
32 and revocation.

33 1. The board may refuse to issue or renew, suspend, or  
34 revoke a license under this chapter for any of the following:

35 a. Use or unlawful possession of any controlled substance,

1 as defined in chapter 124, or alcoholic beverage to an extent  
2 that such use impairs the person's ability to perform the work  
3 of an anesthesiologist assistant.

4     *b.* The person has been finally adjudicated and found  
5 guilty, or entered a plea of guilty or nolo contendere, in  
6 a criminal prosecution under the laws of any state or of  
7 the United States, for any offense reasonably related to the  
8 qualifications, functions, or duties of an anesthesiologist  
9 assistant, for any offense for which an essential element is  
10 fraud, dishonesty, or an act of violence, or for any offense  
11 involving moral turpitude, whether or not a sentence is  
12 imposed.

13     *c.* Use of fraud, deception, misrepresentation, or bribery  
14 in securing a license issued pursuant to this chapter or in  
15 obtaining permission to take an examination given or required  
16 pursuant to this chapter.

17     *d.* Obtaining or attempting to obtain any fee, charge,  
18 tuition, or other compensation by fraud, deception, or  
19 misrepresentation.

20     *e.* Incompetency, misconduct, gross negligence, fraud,  
21 misrepresentation, or dishonesty in the performance of the  
22 functions or duties of an anesthesiologist assistant.

23     *f.* Violation of, or assisting or enabling any person to  
24 violate, any provision of this chapter or any rule adopted  
25 pursuant to this chapter.

26     *g.* Impersonation of any person holding a license.

27     *h.* Disciplinary action against the holder of a license or  
28 other right relating to the practice of an anesthesiologist  
29 assistant granted by another state, territory, federal agency,  
30 or country upon grounds for which revocation or suspension is  
31 authorized in this state.

32     *i.* A final adjudication of insanity or incompetency by a  
33 court of competent jurisdiction.

34     *j.* Assisting or enabling any person to practice or offer to  
35 practice as an anesthesiologist assistant who is not licensed

1 and eligible to practice pursuant to this chapter.

2     *k.* Issuance of a license based upon a material mistake of  
3 fact.

4     *l.* Violation of any professional trust or confidence.

5     *m.* Violation of the ethical standards for an  
6 anesthesiologist assistant as defined by the board by rule.

7     *n.* Violation of a rule or regulation of this state, any  
8 other state, or the federal government.

9     2. The board shall notify the applicant or licensee  
10 in a complaint in writing of the reasons for the refusal,  
11 suspension, or revocation and shall advise the applicant or  
12 licensee of the right to file an objection to the complaint.  
13 The board shall adopt rules of procedure for the filing  
14 of complaints and objections thereto which conform to the  
15 provisions of chapter 17A.

16     3. The board shall have the authority to issue subpoenas to  
17 compel witnesses to testify or produce evidence in proceedings  
18 to deny, suspend, or revoke a license.

19     4. After the filing of a complaint by the board, the  
20 proceedings shall be conducted in accordance with the  
21 provisions of chapter 17A. Upon a finding that the grounds for  
22 disciplinary action provided in subsection 1 are met, the board  
23 may take any of the following actions:

24     *a.* Deny initial issuance or renewal of a license to the  
25 person named in the complaint.

26     *b.* Censure or place the person named in the complaint on  
27 probation with such terms and conditions as the board deems  
28 appropriate for a period not to exceed ten years.

29     *c.* Suspend the license of the person named in the complaint  
30 for a period not to exceed seven years.

31     *d.* Revoke the license of the person named in the complaint.

32     5. An individual whose license has been revoked shall wait  
33 at least one year from the date of revocation to apply for  
34 relicensure and shall not be eligible for a temporary license.  
35 Relicensure shall be at the discretion of the board after

1 compliance with all requirements of this chapter.

2        Sec. 17.    NEW SECTION.    148H.13    Scope of chapter.

1. Notwithstanding the provisions of this chapter, the governing body of a hospital may limit the functions and activities that an anesthesiologist assistant performs in such hospital. Nothing in this section shall be construed to require any hospital to hire an anesthesiologist who is not already employed as a physician prior to July 1, 2016.

2. Nothing in this chapter shall be construed as prohibiting any individual, regardless of whether the individual is licensed pursuant to this chapter, from providing the services of anesthesiologist assistant, so long as those services are lawfully performed pursuant to the individual's scope of practice as authorized by law.

15	EXPLANATION
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16 The inclusion of this explanation does not constitute agreement with  
17 the explanation's substance by the members of the general assembly.

18       This bill provides for licensing of anesthesiologist  
19 assistants and makes the provisions of Code chapters 147 and  
20 272C, including penalty and other regulatory provisions,  
21 applicable to the practice of anesthesiologist assisting.  
22 The board of medicine is to be responsible for governing the  
23 licensure process for anesthesiologist assistants.

24 The bill requires anesthesiologist assistants to perform all  
25 duties under the immediate supervision of an anesthesiologist.  
26 The bill does not prevent other persons from performing the  
27 duties of an anesthesiologist assistant if the person is  
28 legally authorized to perform such duties within their regular  
29 scope of practice.

30 To become a licensed anesthesiologist assistant, a person  
31 must graduate from an anesthesiologist assistant program  
32 accredited by the American medical association's committee  
33 on allied health education and accreditation, pass the  
34 certifying examination administered by the national commission  
35 for certification of anesthesiologist assistants, and have

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1 an active certification by the national commission for  
2 certification of anesthesiologist assistants. The person must  
3 then file the proper application and fees with the board of  
4 medicine. The bill allows for licensure without examination  
5 if an anesthesiologist assistant holds a similar license in  
6 another jurisdiction. Licensees must complete continuing  
7 education requirements. The bill sets forth provisions for  
8 license renewal, temporary licensure, inactive or retired  
9 license status, and license suspension, denial, or revocation.